

SMOUSE & MASON, LLC

ROY L. MASON (MD, DC)
rlm@smouseandmason.com

223 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401
(410) 269-6620
FACSIMILE (410)-269-1235
www.smousemason.com

Via CM/ECF

September 30, 2024

The Honorable James K. Bredar
United States District Judge
U.S. District Court for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201

Re: In the Matter of the Petition of GRACE OCEAN PRIVATE LIMITED, *et al.*, for
Exoneration from or Limitation of Liability
Civil No. 24-00941-JKB

Dear Judge Bredar,

On behalf of American Publishing, LLC, Karen Austin, and Charles Austin, Jr., in response to your Honor's September 26, 2024 Order directing clarification (ECF No. 316), undersigned counsel writes to clarify which Claimants and Claims remain operative.

At the outset, undersigned counsel states that the September 24, 2024 Class Action Claim (ECF No. 145) supplants the June 4, 2024 Amended Claim (ECF No. 38). Additionally, undersigned counsel clarifies that Karen Austin and Charles Austin, Jr. are no longer Claimants in this matter. Undersigned counsel will file a Notice of Voluntary Dismissal with respect to Mr. and Mrs. Austin. American Publishing LLC remains a Claimant in the above-captioned matter pursuant to the operative September 24, 2024 Class Action Claim (ECF No. 145) and its Amended Answer (ECF No. 152).

In the operative Class Action Claim (ECF No. 145), American Publishing, LLC brings a claim individually for its loss in revenue and the increased costs it has incurred, and continues to incur, as a result of the blockage of the Patapsco River channel and destruction of the Key Bridge by the Petitioners. *Id.* ¶¶ 142-151. Additionally, American Publishing, LLC brings a claim as a class representative of all those businesses similarly situated, which have incurred, and continue to incur, economic losses and increased costs as a result of the blockage of the Patapsco River channel and destruction of the Key Bridge by the Petitioners. *Id.* ¶¶ 165-174.

The Honorable James K. Bredar
September 30, 2024
Page 2

American Publishing, LLC brings its claim for losses and increased costs together with eight (8) other entities, each of which has incurred, and continues to incur, economic losses and increased costs as a result of the allision. *Id.* ¶¶ 112-121 (R.E. West Inc.); ¶¶ 122-132 (East Marine Motor Yacht Sales PTY LTD); ¶¶ 133-141 (Captain C Logistics, LLC); ¶¶ 152-157 (B&R Construction Services, Inc.); ¶¶ 158-164 (International Trading Solutions, Inc., Penn Manufacturing, PMI ENG, and PMI LTD (collectively the “Container Claimants”)). Like American Publishing, LLC, each of these entities brings a claim individually and as a class representative of all those businesses similarly situated. *Id.* ¶¶ 165-174.

The Container Claimants each delivered to the Petitioners and the Dali cargo shipped within certain modular shipping containers that were on board the Dali when it allided with the Key Bridge. ¶ 162. As a result, they sustained losses and increased costs distinct from the other named entities. Thus, they represent the first of the defined subclasses consisting of those corporate entities or other businesses that delivered to the Petitioners and the Dali cargo shipped within certain modular shipping containers which were on board the Dali when it allided with the Key Bridge. ¶ 168i.

The Container Claimants bring their claim under all seven (7) Counts pled in the September 24, 2024 Class Action Claim. ¶¶ 181-247. Counts VI and VII alleging losses due to delay and damage of the cargo and indemnification or contribution of the General Average, respectively, are pled exclusively on their behalf. ¶¶ 236-247.

American Publishing, LLC, R.E. West Inc., East Marine Motor Yacht Sales PTY LTD, Captain C Logistics, LLC, and B&R Construction Services, Inc. bring their claims under Counts I through V in the Class Action Claim. ¶¶ 181-235.

Thank you, Your Honor, for your courtesy and consideration.

Very Truly Yours,

/s/ Roy L. Mason
Roy L. Mason

CC: Gregory F. Coleman, Esq.*
Melissa K. Sims, Esq.*
Vicki J. Maniatis, Esq.*
Milberg Coleman Bryson Phillips Grossman, PLLC
* *Pro Hac Vice* motions pending

The Honorable James K. Bredar
September 30, 2024
Page 3

Todd D. Lochner, Esq.
Lochner Law Firm, P.C.

Counsel for Claimants